

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN AGRAMONTE, on behalf of  
himself and all other similarly situated  
employees,

Case No.: 14-cv-3074 (PAE)

**DECLARATION OF RICHARD  
GARBARINI**

Plaintiff,

v.

RICHARD SHRAGER and RICH FOODS 37,  
LLC,

Defendants.  
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I, RICHARD M. GARBARINI, hereby declare the following pursuant to 28 U.S.C. §  
1746:

1. I am the attorney for Plaintiff and as such am fully familiar with the facts and circumstances of the within action.
2. On July 25, 2014, I contacted Jeffrey Meyer, counsel for all Defendants, by phone and e-mail, and attempted to get the consent of the Defendants to file the within Proposed First Amended Complaint.
3. To facilitate consent, a Stipulation of Consent and the Proposed First Amended Complaint were forwarded to counsel for the Defendants.
4. On July 28, 2014, messages were left for Yale Pollak and Jeffrey Meyer were left.
5. No response was received from either of the aforementioned counsel.

6. Time is of the essence to file the Proposed First Amended Complaint. A Motion for Conditional Certification has been prepared based on the filing of the pleading. The discovery requests served on Defendants will be impacted by the resolution of the Motion for Conditional Certification.

Dated: July 26, 2014

  
Richard Garbarini